

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ADRIAN NEMMERS,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:10-cv-00785
)	
ARJN LLC d/b/a)	
JONATHAN'S GRILLE,)	
Defendant.)	JURY DEMANDED

AGREED CASE MANAGEMENT ORDER

Pursuant to Federal Rule of Civil Procedure 26(f) and Local Rule 16.01(d) for the United States District Court for the Middle District of Tennessee, counsel for both parties have conferred and hereby submit the following proposed Case Management Order.

1. JURISDICTION: The Court has jurisdiction over this matter pursuant to the Fair Labor Standards Act of 1938, 29 U.S.C. § 216(b) and 28 U.S.C. § 1337. The Court has personal jurisdiction over the Plaintiff, who is a resident of Old Hickory, Tennessee and the Defendant, who does business in the State of Tennessee.

2. THEORIES OF THE PARTIES:

(a) Plaintiff's Theory: Plaintiff believes and asserts that the Defendant intentionally failed to pay Plaintiff overtime wages under the Fair Labor Standards Act and that the Defendant's failure was willful. More specifically, on a regular and repeated basis, the Defendant worked Plaintiff in excess of 40 hours per week without providing overtime compensation. Plaintiff seeks overtime compensation, liquidated damages, interest, attorneys' fees and costs under the Fair Labor Standards Act.

(b) **Defendant's Theory:** Defendant denies Plaintiff's allegation that it intentionally and willfully failed to pay Plaintiff overtime wages under the Fair Labor Standards Act.

3. **ISSUES RESOLVED:**

(a) Jurisdiction and Venue.

4. **ISSUES STILL IN DISPUTE:** Whether the Defendant violated the Fair Labor Standards Act, as well as the extent and amount of damages sought by the Plaintiff in this matter.

5. **PREDISCOVERY DISCLOSURES:** The parties will exchange the information required by Federal Rule of Civil Procedure 26(a)(1) within **fourteen (14) days** of the initial case management conference.

6. **DISCOVERY PLAN:** The parties jointly propose to the Court the following discovery plan:

(a) **Completing All Discovery:** The parties shall complete all written discovery and depositions on or before **May 27, 2011**. Document requests, interrogatories and requests for admission shall be served sufficiently in advance of the discovery cutoff in order to allow time for responses and resolution of any discovery disputes prior to the expiration of the discovery deadline. Discovery related motions are due on or before **June 27, 2011**.

(b) **Expert Disclosure (Rule 26):**

(i) Plaintiff's Rule 26(a)(2) expert witness disclosures and reports shall be served by **March 28, 2011**.

(ii) Defendant's Rule 26(a)(2) expert witness disclosures and reports shall be served by **April 27, 2011**.

7. MOTIONS:

(a) Motions to Join Parties (does not include opt-in Plaintiffs):

(i) Plaintiff: November 29, 2010

(ii) Defendant: December 27, 2010

(b) Deadline for Filing Motions to Amend the Pleadings:

(i) Plaintiff: November 29, 2010

(ii) Defendant: December 27, 2010

(c) Dispositive Motions: The deadline for filing dispositive motions is **August 29, 2011**. Responses within twenty-one (21) days after filing of Motion. Replies, if any, fourteen (14) days after filing of Response.

8. OTHER ITEMS:

(a) Mediation. The parties have not reached an agreement with regard to mediation.

(b) Subsequent Case Management Conferences. A follow-up case management conference is scheduled on Thursday, April 28, 2011, at 10:00 a.m., to be initiated by plaintiff's counsel.

9. TARGETED TRIAL DATE: The jury trial is scheduled on January 10, 2012.

The parties anticipate that the trial will last 2-3 days.


MAGISTRATE JUDGE GRIFFIN

Submitted for Entry:

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s/ Michael L. Russell

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